

MOTION BY SUPERVISORS HILDA L. SOLIS
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**Amicus Brief in Support of Federal Law Prohibiting Subjects of Domestic
Violence Restraining Orders from Possessing Firearms**

Earlier this month in *U.S. v. Rahimi*, the United States Court of Appeals for the Fifth Circuit ("Fifth Circuit") held that the Second Amendment protects a person's right to possess a firearm while under a domestic violence restraining order. The Fifth Circuit's ruling struck down a federal law that prohibits individuals who are subject to a domestic violence restraining order from having a firearm.

The Fifth Circuit's decision has troubling implications for any local, state, or federal attempt to disarm individuals subject to a domestic violence restraining order and ignores evidence linking domestic violence to mass shootings and intimate partner murders. Almost 60 percent of mass shootings from 2014 to 2019 were related to domestic violence. In 68 percent of mass shootings, the shooter had a history of domestic violence.¹ Furthermore, most intimate partner murders are committed with

¹ Geller, L. B., Booty, M., & Crifasi, C. K. (2021). The role of domestic violence in fatal mass shootings in the United States, 2014-2019. *Injury Epidemiology*, 8(38). <https://doi.org/10.1186/s40621-021-00330-0>

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firearms² and an abuser's access to firearms increases the risk of a female intimate partner murder by 1,000 percent.³

The United States Department of Justice has stated that it intends to appeal the Fifth Circuit's ruling. The Board of Supervisors is committed to taking every avenue possible to reduce gun violence, and the County should support efforts to disarm individuals subject to a domestic violence restraining order.

I, THEREFORE, MOVE that the Board of Supervisors authorize the Interim County Counsel to file an amicus brief or join as *amicus curiae* in *U.S. v. Rahimi* or similar cases in support of federal, state, or local laws prohibiting subjects of domestic violence restraining orders from possessing firearms.

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² Violence Policy Center (2018). When men murder women: An analysis of 2016 homicide data. <http://www.vpc.org/studies/wmmw2018.pdf>

³ Spencer, C. M. & Stith, S. M. (2020). Risk factors for male perpetration and female victimization of intimate partner homicide: A meta-analysis. *Trauma, Violence, & Abuse*, 21(3), 527-540. doi: 10.1177/1524838018781101